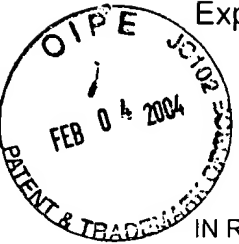


Express Mail Label EV 337 196 051 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Laus *et al.*

APPLICATION No.: 09/402,845

FILED: March 14, 2000

FOR: COMPOSITION AND METHOD FOR PRODUCING AN  
IMMUNE RESPONSE AGAINST TUMOR-RELATED  
ANTIGENS

EXAMINER: Ungar, Susan NMN

ART UNIT: 1642

CONF. No: 6520

Transmittal

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

FEB 12 2004

TECH CENTER 1600/2900

Sir:

1. Transmitted herewith are the following:

- ☒ Petition to Withdraw Holding of Abandonment
- ☒ Statement of Judy Mohr
- ☒ Copy of Postcard w/USPTO Date Stamp Showing Receipt Date of 09/22/2003
- ☒ Copy of Docket Report
- ☒ Copy of Original Filing of September 11, 2003, including:
  - ☒ Notice of Appeal
  - ☒ Petition for 3 Mos. Ext. of Time
  - ☒ Transmittal
  - ☒ Postcard

2. Entity Status

- ☐ Small Entity Status (37 C.F.R. § 1.9 and § 1.27) has been established by a previously submitted Small Entity Statement.

3. Conditional Petition for Extension of Time:

Applicant petitions for an Extension of Time, if necessary, for timely submission of this transmittal and enclosures.



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

**#19**

IN RE APPLICATION OF: LAUS *ET AL.*

APPLICATION No.: 09/402,845

FILED: MARCH 14, 2000

FOR: **COMPOSITION AND METHOD FOR INDUCING AN  
IMMUNE RESPONSE AGAINST TUMOR-RELATED  
ANTIGENS**

EXAMINER: UNGAR, SUSAN NMN

ART UNIT: 1642

CONF. No: 6520

**RECEIVED**

**Petition to Withdraw Holding of Abandonment  
under 37 C.F.R. § 1.181(a)**

**FEB 12 2004**

**TECH CENTER 1600/2900**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for withdrawal of the Notice of Abandonment for the above-identified application, which was mailed by the U.S. Patent and Trademark Office on December 29, 2003, for failure to file a reply to the final Office Action mailed March 11, 2003.
2. Apparently the Applicants' response was never received by the Examiner at the U.S. Patent and Trademark Office. Enclosed herewith is a complete copy of the response which was mailed to the U.S. Patent and Trademark Office on September 11, 2003 and entitled, "Notice of Appeal and Petition for Extension of Time," a copy of the postcard receipt showing the Patent Office's date stamp of September 22, 2003, and a copy of the docket report run for the subject application showing that the Notice of Appeal and Petition for Extension of Time was filed on September 11, 2003.

3. Statement

Attached hereto is a statement by Judy Mohr of Perkins Coie LLP attesting to the timely transmission of the Notice of Appeal and Petition for Extension of Time based on:

- ☒ personal knowledge
- ☒ a showing believed to be satisfactory to the Commissioner

4. ☒ No Fee Due, as Applicants did timely respond to the final Office Action dated March 11, 2003, by filing their "Notice of Appeal and Petition for Extension of Time," on September 11, 2003, a copy of which is attached hereto.

☐ Enclosed is a check covering the fee of \$665.00/\$1330.00 under 37 C.F.R. § 1.17(m).

5. The Applicants did not delay and a response was timely filed to the Office Action dated March 11, 2003.

6. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed March 11, 2003. Under current U.S.P.T.O. practice, further information regarding the abandonment is not required.

7. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

8. Additional Fees

☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207.

Applicants respectfully request that the Examiner consider this Petition and

withdraw the Notice of Abandonment for the above-entitled application. If a telephone interview is necessary, please contact the undersigned at (650) 838-4402.

Respectfully submitted,  
Perkins Coie LLP

Date: 2/4/04

Judy Mohr  
Judy Mohr  
Registration No. 38,563

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: LAUS *ET AL.*

APPLICATION No.: 09/402,845

FILED: MARCH 14, 2000

FOR: **COMPOSITION AND METHOD FOR INDUCING AN  
IMMUNE RESPONSE AGAINST TUMOR-RELATED  
ANTIGENS**

EXAMINER: UNGAR, SUSAN NMN

ART UNIT: 1642

CONF. No: 6520

**RECEIVED**

FEB 12 2004

**Statement by Judy Mohr in Support of Petition to Withdraw Holding  
of Abandonment under 37 C.F.R. § 1.181(a)**

TECH CENTER 1600/2900

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Judy Mohr, state that I am an attorney of record in the subject application. I declare and affirm the Notice of Appeal and Petition for Extension of Time was timely filed on September 11, 2003, in response to the final Office Action mailed on March 11, 2003, by the U.S. Patent and Trademark Office. Copies of the Notice of Appeal and Petition for Extension of Time as filed on September 11, 2003, the docket record showing the filing date of the Notice of Appeal and Petition for Extension of Time and the postcard receipt showing the U.S.P.T.O.'s date stamp of September 22, 2003 are enclosed herewith.

I further state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Applicants believe that no fee is required with this statement. Should any fees be required, the Assistant Commissioner is authorized to withdraw the fees from Deposit Account No. 50-02207.

Respectfully submitted,  
Perkins Coie LLP

Date: 2/4/04

Judy Mohr  
Judy Mohr  
Registration No. 38,563

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
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Menlo Park, California 94026  
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